

1 JEFFREY B. COOPERSMITH (SBN 252819)
2 AMY WALSH (Admitted Pro Hac Vice)
3 STEPHEN A. CAZARES (SBN 201864)
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
5 The Orrick Building
6 405 Howard Street
7 San Francisco, CA 94105-2669
8 Telephone: (415) 773-5700
9 Facsimile: (415) 773-5759

10 Email: jcoopersmith@orrick.com; awalsh@orrick.com;
11 scazares@orrick.com

12 Attorneys for Defendant
13 RAMESH "SUNNY" BALWANI

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,
18
19 Plaintiff,
20
21 v.
22
23 RAMESH "SUNNY" BALWANI,
24
25 Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.
COOPERSMITH RE: DEFENDANT
RAMESH BALWANI'S MOTION TO
STRIKE IMPROPER EXPERT
TESTIMONY AND OTHER
PROHIBITED TESTIMONY**

Judge: Honorable Edward J. Davila

DECLARATION OF JEFFREY B. COOPERSMITH

I, Jeffrey B. Coopersmith, declare as follows:

1. I am lead counsel for defendant Ramesh “Sunny” Balwani, an attorney admitted to practice in the State of California, a partner at the law firm of Orrick, Herrington & Sutcliffe LLP, and counsel of record for Mr. Balwani. I submit this declaration in support of Mr. Balwani’s Motion to Strike Improper Expert Testimony and Other Prohibited Testimony.

2. Attached as **Exhibit 1** is a true and correct copy of trial transcript excerpts from March 22, 23, and 30, 2022, highlighted to identify the testimony of Erika Cheung and Dr. Mark Pandori that the defense seeks to strike.

3. Attached as **Exhibit 2** is a copy of relevant excerpts of a March 22, 2022 U.S. Postal Inspection Service Memorandum of Interview of Dr. Mark Pandori, Bates-stamped US1-001275 through US1-001330.

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 31, 2022 at San Jose, California.

/s/ Jeffrey B. Coopersmith
JEFFREY B. COOPERSMITH